

Notice of Allowability	Application No.	Applicant(s)	
	10/626,180	HOSKEER, JOSEPH E.	
	Examiner	Art Unit	
	Gregory J. Strimbu	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the tele. int. of 1/19/06.
2. ☒ The allowed claim(s) is/are 9-14 and 16-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1-19-06</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|--|

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sean D. Detweiler on January 19, 2006.

The application has been amended as follows:

Rewrote the abstract as follows:

--An automated garage door opener for opening an outwardly swinging door pivotally mounted about a vertical axis. The garage door opener includes a track, a trolley slidably mounted on the track, and at least one push bar having a first end and a second end. The push bar pivotally couples with the trolley at the first end and with the outwardly swinging door at the second end. A trolley coupling is provided for pivotally connecting the first end of the at least one push bar with the trolley. A door coupling for pivotally connecting the second end of the least one push bar with the outwardly swinging door is also provided. The door coupling is mountable on the outwardly swinging door. The push bar includes a spring biased slip joint for automatically adjusting the length of the push bar as the door opener is operated.--

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In the claims:

claim 9,

line 2, changed "with" to --by--

line 5, changed "disposed to extend" to --extending--

line 8, deleted "directionally" and inserted --generally-- following "and"

line 10, inserted --distal-- following "first", changed "second" to --a second distal--,
and deleted "configured for"

line 11, changed "pivotal coupling" to --pivotally coupled-- and inserted
--configured for pivotal coupling-- following "and"

line 12, changed "additionally having" to --comprising-- and changed "an
extension" to --a tension--

line 13, changed "for automatically adjusting a length" to --which adjusts a
distance between the distal ends--

line 16, changed "causes" to --is adapted to cause--

line 20, changed "causes" to --is adapted to cause--

claim 14,

line 2, changed the first occurrence of "the" to --a--

claim 16,

line 1, deleted "at least one"

line 2, changed "a" to --the--

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line 3, changed "maintains" to --is adapted to maintain-- and changed "direction away from the" to --second direction--

line 4, deleted "outwardly swinging door"

claim 19,

line 2, deleted "proximally disposed"

line 3, deleted "relative to the outwardly swinging door"

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach at least one push bar having a first distal end and a second distal end, the push bar pivotally coupled with the trolley at the first end and configured for pivotal coupling with the outwardly swinging door at the second end, the at least one push bar comprising a slip joint coupled with a tension spring which adjusts a distance between the distal ends of the at least one push bar during operation of the door opener. See lines 10-14 of claim 9.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

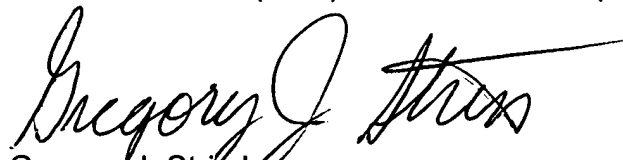
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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a stylized flourish extending from the end.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
January 19, 2005